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FILED

Counsel for Defendant  
Lennie Luan Le

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LENNIE LUAN LE, et. al.,

Defendants.

No. CR 13-0076 RMW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING MOTIONS  
HEARINGS**

The United States, by Assistant U.S. Attorney Richard Cheng, and the defendants, through their counsel of record, hereby move this Court to vacate the hearing dates of February 9, 2015 and April 27, 2015, and re-set the filing dates of the two rounds of motions, to allow time for the parties to review discovery and to allow the parties to continue settlement discussions.

1. The defendants are charged by indictment with conspiracy with 8 other individuals to conduct an illegal gambling enterprise, in violation of 18 U.S.C. §§ 1555(a) and 371 (count one); and conducting an illegal gambling enterprise, in violation of 18 U.S.C. §§ 1555(a) and 2 (count two).

Le is charged alone in count three of the indictment with interference with commerce by threats or violence, under the Hobbs Act, in violation of 18 U.S.C. § 1951(a).

2. The United States has provided the defendants with discovery, which includes

1 compact discs containing recorded conversations that the government contends are pertinent  
2 conversations regarding the charges. Counsel for Lennie Le and the government conferred  
3 regarding the status of the case, and agreed that the defendants should have an additional  
4 opportunity to review the recorded conversations, in order to allow for effective assistance of  
5 counsel.

6 In addition, several of the parties are engaged in settlement discussions, which may  
7 potentially resolve all or part of the matter before the Court. Counsel for Le and the government  
8 agreed to ask this Court to set back the motions hearings, in order to allow time for settlement  
9 discussions to continue, before the government is required to file oppositions to the pending  
10 defense motions. No other defendant has filed pre-trial motions to date.

11 3. The case is now set for a motions hearing for round one of the motions before this  
12 Court on February 9, 2015. A further motions hearing for round two is set for April 27, 2015.  
13 Counsel for Lennie Le has filed a number of pre-trial motions. However, as set out above, the  
14 parties believe that setting back the hearing dates on the motions would allow additional time for  
15 possible settlement of the case.

16 4. The parties accordingly ask the Court to continue the initial motion hearing from  
17 February 9, 2015 until March 16, 2015, at 9:00 a.m. In addition, the parties ask the Court to  
18 amend the current motion schedule and set the following schedule: government opposition to the  
19 pending motions to be filed February 23, 2015; defense replies to be filed March 2, 2015; and a  
20 new hearing date on round one of the motions on March 16, 2015. In addition, the amended  
21 schedule for round two (wiretap motions) would be: defense filing by April 13, 2015;  
22 government opposition by May 4, 2015; defense reply by May 18, 2015, with a hearing date on  
23 June 1, 2015.

24 5. All parties stipulate and agree that the ends of justice served by granting a  
25 continuance to facilitate review of discovery outweigh the interest of the public and the  
26 defendants in a speedy trial, to allow continuity of counsel and effective preparation of counsel,

1 taking into account the need for due diligence, in accordance with Title 18, sect. 3161(h)(8)(A).

2 6. Accordingly, the parties ask the Court to re-set the motions schedule, as set out  
3 above, and continue the matter until March 16, 2015, and order that time be excluded under the  
4 Speedy Trial Act until that date.

5 So Stipulated:

/S/  
RICHARD C. CHENG  
Assistant U.S. Attorney

/S/  
JOHN J. JORDAN  
Counsel for Defendant  
LENNIE LUAN LE

/S/  
BENJAMIN WINN WILLIAMS  
Counsel for Defendant  
QUOC CHI TRAN

/S/  
MICHAEL HINCKLEY  
Counsel for Defendant  
TU XUAN NGUYEN

/S/  
PHILLIP ALLEN SCHNAYERSON  
Counsel for Defendant  
DUNG MINH DINH

/S/  
VARELL LAPHELLE FULLER  
Counsel for Defendant  
QUE HONG NGUYEN

/S/  
FRANK BELL  
Counsel for Defendant  
JOHNNY KIM TO

/S/  
VAN TUONG LY  
Counsel for Defendant  
MINDY TU

/S/  
MARK ALAN ARNOLD  
Counsel for Defendant  
NGAN KIM DIEP

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 13-0076 RMW
	)	
Plaintiff,	)	<del>(Proposed)</del> <b>ORDER CONTINUING</b>
vs.	)	<b>MOTIONS HEARINGS</b>
	)	
LENNIE LUAN LE, et. al.,	)	
	)	
Defendants.	)	
_____	)	

GOOD CAUSE APPEARING, it is ordered that:

1. The date for motion hearing for round one of the defendants' pre-trial motions shall be continued from February 9, 2015, until March 16, 2015, at 9:00 a.m. In addition, the previously set briefing schedule is hereby amended to allow the government to file any opposition to the defense motions by February 23, 2015, and the defense to file any reply briefs by March 2, 2015.

2. The hearing date and briefing schedule for round two of the defendant's pre-trial motions, concerning possible challenges to the court-ordered wiretap interceptions in this case, is vacated, and a new briefing and hearing schedule is hereby set, with defense motions to be filed by April 13, 2015, government opposition to be filed by May 4, 2015, defense reply briefs to be filed by May 18, 2015, and a hearing date set on June 1, 2015, at 9:00 a.m.

2. The ends of justice served by the granting of this continuance outweigh the

1 interest of the public and the defendants in a speedy trial, in accordance with Title 18, sect.  
2 3161(h)(8)(A). In addition, time also excludable as defense pre-trial motions are now pending  
3 before this Court, in accordant with Title 18, sect. 3161(h)(1)(D).

4 3. IT IS THEREFORE ORDERED that the period of this continuance from  
5 February 9, 2015, until June 1, 2015, shall be excluded under the Speedy Trial Act for the  
6 purposes of computing the time within which this Indictment must be tried to allow for the  
7 effective preparation of counsel for the reasons set forth in the parties' joint request.

8 SO ORDERED.

9  
10 DATED: February 1, 2015.

  
RONALD W. WHYTE  
United States District Judge